



Ninety-Eighth Legislature - Second Session - 2004
Committee Statement
LB 943

Hearing Date: February 19, 2004

Committee On: Judiciary

Introducer(s): (Thompson, Cunningham, Combs, Mossey)

Title: Change statutes of limitations for certain sexual assaults

Roll Call Vote – Final Committee Action:

Advanced to General File

X Advanced to General File with Amendments

Indefinitely Postponed

Vote Results:

8 Yes Senators Brashear, Chambers, Foley, Mines, Mossey, Pedersen,
 Quandahl, Tyson

No

Present, not voting

Absent

Proponents:

Senator Nancy Thompson
Irene Duncan
Therese Vavra
Lynn Ayers
Anne Baker
Christine Biermann
Brenda Koenig
Andie Schueler

Representing:

Introducer
Nebraska Commission on the Status of Women
Self
Child Advocacy Center
Voices for Children
Parents United of the Midlands
Self
Lutheran Family Services
Parents United

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

Legislative Bill 943 eliminates the statute of limitations for the offenses of sexual assault of a child and, when the victim is under the age of 16, for sexual assault in the first, second, or

third degree. Currently, the statute of limitations for prosecuting an individual for these crimes is 7 years from the date the crime is committed or 7 years after the victim's sixteenth birthday, whichever is later.

Explanation of amendments, if any:

The committee amendment to LB 943 clarifies that the changes proposed in the bill apply to offenses committed prior to the effective date of the act if the statute of limitations has not yet expired. The committee amendment also incorporates the following bills into LB 943:

LB 987 – Senator Bourne

Legislative bill 987, as amended by the judiciary committee, creates the criminal offense of strangulation. A person commits strangulation if he or she knowingly or intentionally impedes the normal breathing or circulation of another person by applying pressure on the throat or neck. Strangulation is punishable as a class IV felony except for the following situations in which it is punishable as a class III felony:

- a dangerous weapon is used in the perpetration of the crime;
- serious bodily injury results from the strangulation; or
- The perpetrator has been previously convicted of strangulation.

An affirmative defense is provided for legitimate medical procedures that result in strangulation.

LB 875 – Senator Mossey

Legislative bill 875 requires individuals convicted of knowingly possessing a visual depiction of sexually explicit conduct which has a child as one of its participants or portrayed observers to register as a sex offender pursuant to the Sex Offender Registration Act. LB 875, as amended by the judiciary committee, also changes the penalty for the crime of possessing child pornography with the intent to distribute from a class IV to a class IIIa felony. Currently, the crimes of possession of child pornography and possession of child pornography with intent to distribute are both punished as class IV felonies.

LB 874 – Senator Mossey

Legislative Bill 874 redefines the term “sexual contact” for purposes of sexual assault of a child. Under current statutory law, sexual contact is defined as the intentional touching of the victim's sexual or intimate parts, the intentional touching of the victim's clothing covering the immediate area of the victim's sexual or intimate parts, or the touching by the victim of the actor's sexual or intimate parts or the clothing covering the immediate area of the actor's sexual or intimate parts when such touching is intentionally caused by the actor. Sexual contact only includes conduct that can be reasonably construed as being for the purpose of sexual arousal or gratification of either party.

LB 874, as advanced by the committee, defines sexual contact to also include the touching of a child with the actor's sexual or intimate parts on any part of the child's body for purposes of sexual assault of a child under NRS §28-320.01.

LB 670 – Senator Thompson

Legislative Bill 670 criminalizes the use a computer to knowingly solicit, coax, entice, or lure a child 16 years of age or under, or a peace officer believed by the person to be a child 16 years of age or under, to engage in illegal sexual acts. A violation of this section is punishable as a Class III felony, unless the perpetrator has been previously convicted of assault, child enticement, kidnapping or false imprisonment, in which it is punishable as a class II felony. The bill also requires persons convicted under this section to register as sex offenders pursuant to the Sex Offender Registration Act.

Senator Kermit A. Brashear, Chairperson